

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0267

### SENATE BILL NO. 38

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Health

1 FOR AN ACT ENTITLED, An Act to continue the moratorium on new nursing facility beds.  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 No nursing facility in this state may operate more than the number of beds authorized by the  
6 Department of Health pursuant to this chapter and in existence on the effective date of this Act.

7 Section 2. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 No new nursing facility may be constructed, operated, or maintained in this state unless the  
10 nursing facility is serving as a replacement for an existing facility and is required in order to:

- 11 (1) Eliminate or prevent imminent safety hazards as defined by federal, state, or local  
12 fire, building, or life safety codes or regulations;
- 13 (2) Comply with state licensure standards;
- 14 (3) Comply with accreditation or certification standards which shall be met to receive  
15 reimbursement under Title XVIII or XIX of the Social Security Act as amended to



1           December 31, 2004;

2           (4)   Respond to an emergency situation created by a natural disaster such as tornadoes,  
3               floods, fire, or explosions; or

4           (5)   Improve physical conditions which are related to operational or functional  
5               deficiencies.